

REMARKS

Claims 1-12 are pending in the present application. All the pending claims stand rejected under 35 U.S.C. §102(b) and/or 35 U.S.C. §103(a). Claims 1 and 2 are herein amended. A marked up version showing changes made to claims 1 and 2 is attached. Entry of the amendments, consideration of the present remarks, withdrawal of the outstanding rejections, and allowance of the application are requested.

Rejections under 35 U.S.C. 102(b)

Claims 1-5 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Howe et al (U.S. Patent No. 4,103,291), Jonassen (U.S. Patent No. 3,791,711), and Kozlowski (U.S. Patent No. 3,906,273). The various rejections are now addressed in turn.

Claims 1 and 5

Claims 1 and 5 are rejected as being anticipated by Howe. In response, Applicant submits that Howe fails to teach all of the limitations of claims 1 and 5 and thus the rejection may not be maintained.

In amended claim 1, Applicants recites a surge absorber comprising: a pair of lead terminals, each having a lead portion and a broadened tip forming a discharge electrode; sealing spacers fitted and fixed on the lead portion of the lead terminal; and a one piece cylindrical housing. The pair of lead terminals are recited as each having the

sealing spacer fixed thereon and being inserted from open ends on both sides of the housing into an interior of the housing. The two sealing spacers are recited as being fixed airtightly on the housing at the interior while the discharge electrodes are held in the housing facing one another with a predetermined distance therebetween.

In the outstanding Office Action, the Examiner relies on Figure 1 of Howe in rejecting claim 1 on anticipation grounds. Figure 1 of the reference depicts a *circuit interrupter*. Col. 2, lines 54-60. That is, Howe does not even disclose a surge absorber without chips as recited in claim 1. Howe describes the circuit interrupter of Figure 1 as including a stationary electrode 22 and a *movable electrode* 24. The electrodes of Howe do not include a pair of broadened tips with at least one tip having a projected or patterned surface, as recited in claim 1. Further, Howe discloses a cylindrical insulating sidewall 12 including separate portions 12a, 12b connected by a ring shaped support 19. Howe does not teach a one-piece cylindrical housing, as recited by Applicant in the claims. It is noted that this point is acknowledged by the Examiner in the Office Action at paragraph 8.

As mentioned, Howe teaches a movable electrode. That is, the reference does not describe a pair of discharge electrodes having lead terminals fixed in sealing spacers which are fixed at an interior of the housing, as recited in claim 1. Nor does the reference allow for discharge electrodes held in said housing with a predetermined distance therebetween, as recited by Applicant, due to Howe's explicit description of the movable electrode 24.

Thus, clearly, Howe does not teach all of the limitations of independent claim 1. Therefore, Howe is not proper prior art under §102 and, accordingly, the outstanding

anticipation rejection of claim 1, and of claim 5 which depends therefrom, may not be maintained. Reconsideration and withdrawal is respectfully requested.

Claims 1-2, 5 and 9

The Examiner has rejected claims 1-2, 5 and 9 under 35 U.S.C. 102(b) as being anticipated by Jonassen. In reply, Applicant submits that the reference fails to teach all of the limitations of claims 1-2, 5 and 9. Thus the rejection is improper and may not be maintained.

Please refer to the description of claim 1 hereinabove. Claim 2 recites all the elements of claim 1 and further recites the sealing spacers being welded to an inside of the one-piece cylindrical housing. Claims 5 and 9 depend from claims 1 and 2, respectively.

In the Office Action, the Examiner states that Jonassen discloses the claimed invention at Figure 6 where elements represented by reference numeral 22 comprise sealing spacers and elements represented by reference numeral 39 are leads, as recited by Applicant. Thus, the Examiner concludes anticipation.

Jonassen teaches a method of fabricating a three-terminal voltage surge arrester. Figure 6 shows the arrester in one stage of manufacturing while Figure 7 shows the completed arrester. Col. 2, lines 34-39. As shown and described, the arrester 50 includes a pair of insulative tubes 22 bridged by a conductive metal section 42. The insulative tubes and the metal section define an outer housing capped at either end by an electrode assembly include electrode elements 32 having caps with flanges 36. Col. 2, lines 58-65.

That is, in no way does Jonassen teach or even suggest a one piece cylindrical housing as recited in claims 1 and 2.

Further, the reference teaches the electrode elements 32 having solid cylindrical shafts 33 extending within the arrester, the shafts being disposed opposite one another. Col. 4, lines 6-9. That is, Jonassen does not teach or suggest a pair of lead terminals each having a broadened tip, as recited in claims 1 and 2.

Still further, Jonassen teaches welding the flange 36 of the electrodes 32 to the housing 10. Col. 4, lines 53-57. Accordingly, the electrodes 32 simply extend through the hollow members 22 and are not welded or otherwise connected thereto. The hollow members are in turn adhered to the components of the housing 10 by means of soldering 30. Thus, even if the hollow members 22 could be considered analogous to Applicant's sealing spacers, the hollow members are clearly not fixed and fitted on electrodes, as recited in claims 1 and 2.

To summarize, Jonassen does not teach or suggest a surge absorber without chips comprising a pair of lead terminals each having a *broadened tip*, sealing spacers *fixed and fitted* on lead portions of the lead terminals, nor a *one piece* cylindrical housing.

Thus, Jonassen does not anticipate claims 1 and 2, nor claims 5 and 9 which respectively depend therefrom. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 2 under 35 U.S.C. 102(b).

Claims 1-4 and 8-9

Claims 1-4 and 8-9 have been rejected under 35 U.S.C. 102(b) as being anticipated by Kozlowski. In reply, Applicant submits that the reference fails to teach all of the limitations of claims 1-4 and 8-9. Thus the rejection is improper and may not be maintained.

The Examiner maintains that Kozlowski discloses that claimed invention at Figure 1, in which reference numerals 1 and 2 allegedly comprise sealing spacers and leads 10 and 20 emanating therethrough.

As described above, claims 1 and 2 recite a surge absorber without chips comprising, *inter alia*, sealing spacers fitted and fixed on the lead portion of a lead terminal and fixed airtightly on an interior of a one-piece cylindrical housing.

To the contrary, Kozlowski teaches a spark gap apparatus for a capacitor discharge circuit having a tube 5 with bases 1 and 2 mounted at ends thereof. Figure 1, Col. 1, lines 50-66. A first electrode 10 is mounted to the first base 1 and extends into the tube 5. The second base 2 includes a flanged sleeve 3 extending therethrough. A second electrode 20 extends through the sleeve 3 into the tube 5. That is, *the second base 2 is not fixed and fitted to the second electrode 20; the second electrode is fully adjustable* within the sleeve 3 and tube 5. The spark gap apparatus requires a further step, beyond assembly, of crimping sleeve 3 at position 32 to fix the electrode 20 thereto. Figure 3, Col. 4, lines 7-12. Still further, a step of hermetically sealing the sleeve 3 to the tube 5 utilizing a glass washer is required. Col. 4, lines 24-25.

Clearly, the Kozlowski does not teach or suggest sealing spacers fitted and fixed on the lead portion of a lead terminal and fixed airtightly on an interior of a one-piece

cylindrical housing, as recited in claims 1 and 2. Instead, as discussed above, the reference teaches a spark gap apparatus having at least one electrode being axially adjustable within a housing thus requiring further steps beyond mere assembly to seal the housing. This is in direct contradiction to the recitation of claims 1 and 2.

Accordingly claims 1 and 2, and claims 3-4 and 8-9 variously depending therefrom, are not anticipated by Kozlowski; reconsideration and withdrawal of the outstanding rejection is requested.

Claims 5 and 12

The Examiner has rejected claims 5 and 12 under 35 U.S.C. 102(b) as being anticipated by Kozlowski.

Claim 5 variably depends from claim 1 and claim 12 variably depends from claim 2. Thus, claims 5 and 12 include all the limitations of the base claim and further include additional limitations. Therefore, for at least the reasons stated above with regard to the rejection of claims 1 and 2, claims 5 and 12 are not anticipated by the Kozlowski reference. Reconsideration and withdrawal of the rejection of claims 5 and 12 is respectfully requested.

Rejection under 35 U.S.C. § 103(a)

Claims 5-7 and 10-12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over cited references. Claims 5-7 and 10-12 variously depend from independent claims 1 and 2, respectively. As demonstrated above, claims 1 and 2 are in condition for allowance. Accordingly, claims 5-7 and 10-12 are allowable.

Reconsideration and withdrawal of the outstanding obviousness rejections is respectfully requested.

Conclusion


The pending claims 1-12 are not anticipated nor rendered obvious by the cited references, as set forth herein.

It is believed that the present amendment and remarks fully comply with the Office Action and that the claims, as amended herein, are now allowable to Applicant. Thus, reconsideration and allowance are respectfully requested.

The Examiner is invited to contact Applicant's attorneys at the below-listed phone number regarding this response or otherwise concerning the present application.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,
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VERSION WITH MARKINGS SHOWING CHANGES MADE

IN THE CLAIMS:

Claims 1 and 2 are rewritten herein as follows:

“1. (Marked Up/Amended Three Times) A surge absorber without chips, comprising:

a pair of lead terminals, each having a lead portion and a broadened tip forming a discharge electrode;

sealing spacers fitted and fixed on the lead portion of said lead terminal; and

a one piece cylindrical housing; wherein

said pair of lead terminals each having said sealing spacer fixed thereon are inserted from open ends on both sides of said housing into an interior of said housing, and the two sealing spacers are fixed airtightly on said housing at said interior while the discharge electrodes are held in said housing facing one another with a predetermined distance therebetween.”

“2. (Amended Three Times) A surge absorber without chips, comprising:

a pair of lead terminals, each having a lead portion and a broadened tip forming a discharge electrode;

sealing spacers fitted and fixed on the lead portion of said lead terminal; and

a one piece cylindrical housing; wherein

said pair of lead terminals each having said sealing spacer fixed thereon are inserted from open ends on both sides of said housing into an interior of said housing, and the two sealing spacers are welded on an inside wall at said interior of said housing to airtightly seal said housing while the discharge electrodes are held in said housing facing one another with a predetermined distance therebetween.”